

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 9-23-70 by plaintiff

D. C. Form No. 106A Rev.

TITLE OF CASE

ATTORNEYS

Betty S. Stuart, Leslie L. Elliott

vs

Safeco Insurance Company
of America, A Washington
Corporation

For plaintiff:

Bill B. Pigman
300 Pythian Building
Tulsa, Oklahoma 74103Charles Atkinson
Ozark Theatre Building
Fayetteville, ArkansasRichard D. Gibbon
Covington, Gibbon & Poe
217 Pythian Bldg.
Tulsa, Oklahoma

For defendant:

David H. Sanders
205 Denver Building
Tulsa, Oklahoma

STATISTICAL RECORD

COSTS

DATE

NAME OR
RECEIPT NO.

REC.

DISB.

J.S. 5 mailed 7-1-69

Clerk

6-16 Pigman
6-19-69 C/D No54

15 00

15 00

J.S. 6 mailed 3-1-71

Marshal

Basis of Action: Recover on
insurance contract

Docket fee

Witness fees

Action arose at: Mayes County Depositions

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-16-69	Complaint, filed. x summons issued x b	
6-19-69	Motion of Leslie L. Elliott to Intervene as Party Plaintiff, filed. js	
6-19-69	Brief in Support of Motion, filed. js	
6-26-69	Order allowing Leslie L. Elliott to intervene as party plaintiff, filed. (AEB-J)m	
6-26-69	Complaint in intervention, filed. m	
6-30-69	Summons returned, filed - served Safeco Insurance Company, by serving Joe B. Hunt, Oklahoma's State Insurance Commissioner, and paying to him the sum of \$3.00 as required by law, at Oklahoma City, Oklahoma, on June 25, 1969, receipt attached. (Fee 4.72 + 3.00) \$7.72) b	
7-15-69	Defendant's motion to dismiss, motion to make more definite and certain, filed. ds	
7-15-69	Brief in support of motions of defendant, filed. ds	
7-24-69	Plaintiff directed to file, within 15 days, responsive brief to defendant's brief in support of motion to dismiss and to make more definite and certain. (AEB-J)g	
8-6-69	Joint brief of plaintiff and intervenor in response to defendant's motion to dismiss and motion to make more definite and certain, filed. m	
8-8-69	Motion To Dismiss, Leslie L. Elliott as a Party Hereto and to Dismiss his Complaint in Intervention, Filed. js	
8-8-69	Brief in Support of Motion to Dismiss, Leslie L. Elliott, filed. js	
8-14-69	Notice to the pltf, Betty S. Stuart, to appear for the taking of her deposition by oral examination, filed. m	
8-26-69	Brief of Plaintiff and Intervenor in Response to Defendant's motion to Dismiss Complaint in Intervention filed. h	
9-4-69	Deposition of Betty S. Stuart, filed. m	
11-20-69	Order overruling deft's motion to dismiss, filed. (AEB-J)m (copies mailed)	
11-20-69	Order overruling deft's motion to make more definite and certain, filed. (AEB-J)m (copies mailed)	
11-20-69	Order sustaining motion to dismiss complaint in intervention, filed. (AEB-J)m (copies mailed)	
12-4-69	Answer of defendant, filed. ds	
1-6-70	Minute Order: Parties directed to hold pre-trial prior to 2-6-70, and file pre-trial order not later than 2-12-70. (AEB-J)g	
2-3-70	Entry of Appearance of Covington, Gibbon & Poe for plaintiff, Betty S. Stuart, filed. ds	
4-6-70	Case set for disposition Monday 4-13-70 at 10:00 a.m. (AEB-J)m	
4-8-70	Defendant's application for extension of time to prepare and submit pre-trial order, filed. b	
4-9-70	Order that deft. is allowed until 4-14-70 to prepare and submit pretrial order, filed. (AEB-J)m	
4-9-70	Case stricken from disposition docket of 4-13-70. (AEB-J)m	
4-14-70	Application For Extension of Time to Prepare and Submit Pretrial Order, filed. js	
4-15-70	Order that time is extended until 4-24-70 for submitting pre-trial order, filed. (AEB-J)m	
4-24-70	Deft's requested F/F & C/L, filed. m	
4-24-70	Deft's motion for S/J of the deft, filed. m	
4-24-70	Brief in support of deft's motion for S/J, filed. m	
4-24-70	Ordered that pltf. file responsive brief to deft's motion for S/J within 10 days. (AEB-J)m	
5-19-70	Pltf's brief in response to deft's motion for S/J, filed. m	
6-12-70	Defendant's interrogatories to the plaintiff, filed. b	

Continued

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-19-70	Plaintiff's Interrogatories, filed. ds	
6-19-70	Plaintiff's answers to defendant's interrogatories, filed. ds	
7-8-70	Deft's answers to interrogatories, filed. m	
8-19-70	Order Overruling Defendant's motion for summary judgment filed. h(AEB-J)h	
8-21-70	Parties to hold pre-trial prior to 9-21-70, and file pre-trial order no later than 9-28-70. (AEB-J)v	
9-23-70	Plaintiff's demand for jury trial, filed. b	
10-2-70	Defendant's application to extend time to submit pre-trial order, filed. b	
10-2-70	Order that the time for the parties to submit pre-trial orders is hereby extended to October 12, 1970, filed. (AEB-J)v <i>by 10-14-70</i>	
10-14-70	Second Motion of Defendant for Summary Judgment, filed by deft. filed v	
10-14-70	Brief in support of Second Motion of Deft. for Summary Judgement, filedl v	
10-14-70	Pre-Trial Order, filed. (AEB-J)v	
1-7-71	Case set for jury trial Tuesday 2-16-71 at 9:30 a.m. (AEB-J)m	
1-12-71	Order overruling deft's second motion for S/J, filed. (AEB-J)m Also ordered that deft's alternative motion to limit a recovery is overruled at this time with proviso that deft. may renew motion at trial time. (AEB-J)m (copies mailed)	
1-27-71	Motion of Defendant to reconsider order of January 12, 1971, or in the alternative to certify the order for an appeal and briefs in support thereof, with brief in support of Motion to Reconsider, Filed by Defendant Safeco Ins., filed. r	
1-27-71	Ordered by the court that pltf is granted 10 days from this date in which to file a responsive answer of the Deft's Motion of Deft to reconsider order of January 12, 1971. (AEB-J)v	
1-29-71	Defendant's requested instruction and instructions for court pursuant to court order of 1-12-71, and brief in support thereof, filed. g	
2-3-71	Certificate of Mailing copy of copy of defendant's requested instruction of the defendant and instructions for court pursuant to court order of Jan. 12, 1971, and brief in support thereof, filed. b	
2-3-71	Memorandum brief of plaintiff in response to defendant's motion to re-consider and alternative motion to certify questions for appeal, filed. b	
2-4-71	Order overruling defendant's motion to reconsider or alternative to certify the order for an interlocutory appeal, filed. (AEB-J) ds copies mailed.	
2-12-71	Application of plaintiff for instructions to the jury, with requested instructions attached, filed. b	
2-16-71	Defendant's Requested Instructions, filed. js	
2-17-71	Return Service on Subpoena. Served John Morgan, Attorney at Tulsa Oklahoma on 2-12-71 at 4:00 P.M. (Fee \$2.00) filed. r	
2-18-71	Case called for Jury Trial. Parties announce ready. Court instructs Clerk to pick jury. Jury selected, and case passed for trial on Friday, 2-19-71 at 10:00 A.M.(AEB-J)h	
2-24-71	Deposition of Leslie Lee Elliott, filed. (Fee: \$38.00 pd. by deft)m	
2-18-71	Case tried to Jury on Feb. 18, 19, 24, 25 and 26, 1971. Jury returns with verdict for the plaintiff Betty S. Stuart, assessing her damages in the amt of \$32,000.00 with interest at rate of 10% from date of judgment(2-29-69). Verdict received, read and filed in open court. Jury discharged.(AEB-J)h	

DATE	PROCEEDINGS	Date Order or Judgment Noted
2-26-71	Judgment on Jury Verdict filed and entered. It is ordered that the plaintiff Betty S. Stuart have and recover judgment against the defendant Safeco Ins. Co. of Am., in the sum of \$32,000 with interest at the rate of 10% from date of judgment, which was Feb. 29, 1969 and her cost of action. (AEB-J)h <i>copy made</i>	
2-26-71	Trial Brief of plaintiff, filed. m	
4-1-71	Release and satisfaction of judgment, filed. m	